

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**R.A.Jr., (a minor child, by and through his  
Father and next best friend, Richard Lemmel  
Arnold,**

**Plaintiff,**

**V.**

**DEPUTY SHERIFF WALTER LACEY,**  
in his official and individual capacity  
**Defendant.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**)Case No.: 3:06-CV-337-WHA**

**PLAINTIFFS' JURY INSTRUCTION NUMBER 21**

**NOMINAL DAMAGES**

**PM CIV-FJPI**

#### 4.8.2 Section 1983—Damages—Nominal Damages

### Authority

**Cary v. Phipps, 435 U.S. 247, 266 (1978)**

**Memphis Community School Dist. V. Stachura, 477 U.S. 299, 308 (1986)**

If you return a verdict for plaintiff, but he has failed to prove compensatory damages, then you must award nominal damages of \$1.00.

A person whose federal rights were violated is entitled to a recognition of that violation, even if he suffered no actual injury. Nominal damages (of \$1.00) are designed to acknowledge the deprivation of a federal right, even where no actual injury occurred.

However, if you find actual injury, you must award compensatory damages (as I instructed you), rather than nominal damages.

**GIVEN:**

**REFUSED:**